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# STATE TREASURER TRUSTEE OF CERTAIN STATE MONEYS

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tive agencies and their relations to the courts that Congress has with respect to Federal administrative agencies.

We therefore urge a "Yes" vote on proposition No. 16.

ROBERT W. KENNY,  
Senator, Thirty-eighth District.  
T. H. DELAP,  
Senator, Seventeenth District.  
W. P. RICH,  
Senator, Tenth District.

#### Argument Against Senate Constitutional Amendment No. 8

This amendment is dangerous. It gives uncontrolled power to the Legislature by removing protection which we have through our Bill of Rights and other provisions in our Constitution.

The very first words have that effect. They are: "*Nothing in this Constitution*"—that is, neither the Bill of Rights nor anything else—"shall be construed as denying to the Legislature power." Thus the Legislature wants to have all restrictions on it removed at the start!

That power which the Legislature wants is "Power to vest in administrative officers" and bureaus, "authority to decide, in the first instance, any questions of law or fact upon which the exercise of any function conferred upon them by law depends." That is, placing officers and bureaus complete, unrestricted, controlled power to decide.

The first sentence—second paragraph—is highly important to us who vote but have no power and must obey. Note these points:

1) "The Legislature is hereby vested with plenary power;" that is, *unlimited* power.

2) The next words "unlimited by any provision of this Constitution *except as provided in this section*" remove the control of our Bill of Rights and all other controls because those controls, set forth elsewhere in the Constitution, are not "provided in this section" or saved by it.

3) The words "except as provided in this section" mean nothing. The section neither forbids nor commands the Legislature to do one thing or another. So power here given to the Legislature is unrestricted.

4) The Legislature is given power to prescribe judicial review. It is not commanded or compelled to do so. It may refuse or fail to do so and leave the individual citizen without means of relief from wrongful decisions by these *unelected* "officers, boards, commissions, or agencies."

5) The Legislature *may* (not must) prescribe the "scope of review which the reviewing court may give." That means, when taken with the fact that the Legislature is not commanded to provide for review at all, that the Legislature may flatly provide that there shall be no review. Hence, also, the Legislature may prescribe partial review that is not effective or is practically useless.

6) The Legislature may also provide that any review which it gives, however inadequate, may be "exclusive of any review the courts are now authorized to give." So the Legislature may give an inadequate review *by some other authority than our elected judges and then forbid our courts to give any review*. Thus we citizens can be deprived of that relief which even our courts can now give us against unjust or arbitrary action of these administrative officers and bureaus.

Let us ask ourselves—Why does the Legislature request this tremendous additional power? Legislatures already are powerfully influenced, even dominated, by intrenched minority groups. What a Federal judge said recently in another connection is in point concerning these provisions:

"They smack too much of the political philosophy of subservience of the individual to the state which today threatens the world."

**VOTE NO!**

A. B. BIANCHI,  
DAN HADSELL,  
Attorneys,  
San Francisco, California.

**STATE TREASURER TRUSTEE OF CERTAIN STATE MONEYS. Senate Constitutional Amendment 15.** Adds section 29 to Article IV, Constitution. Legislature may require State money controlled by State agencies or departments or collected under State authority be held in trust by State Treasurer before deposit in State Treasury by such agency or department as required by law. Excepts moneys controlled or collected by Regents of University of California. Money held in trust may be disbursed by Treasurer on order of agency or department or deposited in banks to same extent as money in State Treasury.

YES

NO

(For full text of measure, see page 24, Part II)

#### Argument in Favor of Senate Constitutional Amendment No. 15

This constitutional amendment is for the purpose of ratifying Section 454.5 of the Political

Code (Chapter 900 of the Statutes of 1937) which will permit State agencies to place in trust with the State Treasurer, moneys which they collect during the month, pending determination at the end of each monthly period

[Twenty-one]

whether or not such money is earned by the State. Such money as is earned by the State will then be withdrawn by check from the trust account in the treasury and repaid into the State Treasury as money belonging to the State. The same procedure may be followed in connection with cash revolving funds.

The system is similar to that used by the Federal Government, whereby all money collected by any representative of the Government is deposited in banks to the credit of the United States Treasury and withdrawn on disbursing officers' checks issued directly against the treasury.

The procedure will make no change in the present method of paying claims by the State Controller from appropriations made by law. It affects only money which by law may remain in the custody of a State agency.

While at the present time the State is able to secure very little interest on deposits placed

in banks by the State Treasurer, the purpose of securing ratification of Section 454.5 of the Political Code is to permit at some future time the accumulation in the State Treasury of average daily deposits of between \$12,000,000 and \$15,000,000 now deposited in the various bank accounts throughout the State upon which the State receives no interest. Should public moneys again be in demand by banks, the procedure ratified by this Constitutional Amendment will enable the Treasurer to deposit in interest bearing accounts from \$8,000,000 to \$10,000,000 and receive interest thereon.

HERBERT W. SLATER,  
Senator, Twelfth District.

THOMAS McCORMACK,  
Senator, Fifteenth District.

# **REAPPORTIONMENT COMMISSION. Assembly Constitutional Amendment**

**18**

6. Amends Constitution, Article IV, section 6. Substitutes State Controller in place of Surveyor General as member of the Reapportionment Commission created to reapportion Assembly and Senatorial Districts should Legislature fail to do so following each Federal census. In other respects reenacts present provisions of section 6 relating to such reapportionment.

YES

NO

(For full text of measure, see page 25, Part II)

## **Argument in Favor of Assembly Constitutional Amendment No. 6**

Assembly Constitutional Amendment No. 6 was introduced to fill the gap in the State Constitution relative to the Reapportionment Commission of five members that have the power, under our Constitution, to reapportion the State of California, as far as representation is concerned in our State Assembly, State Senate and Congress, if the Legislature fails to act.

Under the present law the commission is composed of the Attorney General, Director of

Instruction, Secretary of State, Lieutenant Governor and the Surveyor General.

The office of Surveyor General has been abolished creating one vacancy.

All that Assembly Constitutional Amendment No. 6 does is to substitute the Controller to fill that vacancy.

THOMAS A. MALONEY,  
Member of the Assembly, Twentieth District.

MELVYN I. CRONIN,  
Member of the Assembly, Twenty-fifth District.

**END OF ARGUMENTS**

**STATE TREASURER TRUSTEE OF CERTAIN STATE MONEYS.**

**Senate Constitutional Amendment 15.** Adds section 29 to Article IV, Constitution. Legislature may require State money controlled by State agencies or departments or collected under State authority be held in trust by State Treasurer before deposit in State Treasury by such agency or department as required by law. Excepts moneys controlled or collected by Regents of University of California. Money held in trust may be disbursed by Treasurer on order of agency or department or deposited in banks to same extent as money in State Treasury.

YES

NO

**Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution by adding Section 29 to Article IV of the Constitution, relating to State money.**

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its Fifty-fourth Regular Session commencing on the sixth day of January, 1941, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that the Constitution of said State be amended as follows:

Section 29 is hereby added to Article IV of the Constitution, to read as follows:

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions

thereof are printed in BLACK-FACED TYPE to indicate that they are NEW.)

**PROPOSED AMENDMENT TO THE CONSTITUTION**

**Sec. 29.** The Legislature may provide that any money belonging to the State in the control of any State agency or department or collected under the authority of this State from any source whatever other than money in the control of or collected by The Regents of the University of California shall be held in trust by the State Treasurer prior to its deposit in the State Treasury by the State agency or department as may be required by law. Any money held in trust may be disbursed by the State Treasurer upon the order of the State agency or department in the manner permitted by law and money held in trust may be deposited in banks to the same extent that money in the State Treasury may be deposited in banks.